

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.155 OF 2007
IN
SUIT NO.675 OF 1966

Manharlal Matubhai & anr.	Plaintiffs
versus	
Hafiza Begum w/o Sayyed	
Abdul Kadri	Defendants
and	
Rizvi Estates & Hotels	
Pvt.Ltd.	Applicants
and	
Mahavir & Co. of Budhu Baldev	
Yadav since deceased through	
LRs Raj Bahadur Yadav & 2 ors.	Respondents/ Judgement Debtors

Madhusudan Nair for judgement debtors.

Mr.G.S.Hegade a/w Mr.M.A.Khan for applicants.

CORAM : A.M.KHANWILKAR, J.

DATE : 17th October 2007

PC :

1. It is not in dispute that the suit in which the Court Receiver came to be appointed under order dated 26th August 1971 being Suit No.675 of 1966 has already been dismissed for want of prosecution on 6th January 1976. Obviously, for want of assistance, the Court did not further record that the Court Receiver appointed in the

said suit also stood discharged in view of the disposal of the suit. Now that the said position is brought to my notice, without going into any of the controversies raised by either side in the present application, this order intends to simpliciter discharge the Court Receiver appointed in Suit No.675 of 1966 without giving any accounts. As mentioned earlier, I am not going into the correctness of the stand, either of the applicants or for that matter the judgement debtor, on any other issues. It will be open to the concerned parties to pursue their remedies before the Court of competent jurisdiction, if so advised. Those aspects will have to be considered on their own merits in accordance with law.

2. For the order already passed above, no further direction is required in the present Chamber Summons. The same is disposed of as no other issue needs to be gone into in the present Chamber Summons at the instance of the applicant.

(A.M.KHANWILKAR, J.)